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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,289	07/17/2003	Richard W. Ragan JR.	RSW920030060US1	2496

25259 7590 11/16/2009
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EXAMINER

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ART UNIT	PAPER NUMBER
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2179

NOTIFICATION DATE	DELIVERY MODE
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11/16/2009

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/621,289
Filing Date: July 17, 2003
Appellant(s): RAGAN ET AL.

Jayme M. Torelli
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/31/2009 appealing from the Office action mailed 03/09/2009.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments after Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct. It is noted Appellant copies the Independent claims into the appendix and leaves the dependent claims out of the appendix.

(8) Evidence Relied Upon

20020156774 Beauregard et al., filed 4/2002

7310636

Bodin et al.

1-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5, 7-11, 13-15, 17-21, 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Beauregard et al. (Hereinafter Beauregard) U.S. Patent Publication No.

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20020156774 filed Apr. 8, 2002, or in the alternative Beauregard in view of Bodin et al (hereinafter Bodin) U.S. Patent No. 7,310,636 filed Jan. 15, 2002.

In regard to **Independent claim 1**, Beauregard teaches a method of automatically customizing a user interface the method comprising:

- Identifying a user of the user interface, wherein the identifying prompting the user to provide a user name and password (see Para 35, 142, 175 and 336, password).
Beauregard clearly teaches identifying the user, based on their profile and the profile is used to adjust the interface.
- Displaying an object within the user interface (Figure 14, 16-17). Beauregard expressly teaches displaying an object on the interface, to which is adjusted when the user signs into it.
- Displaying a plurality of shortcuts for the object (See Para 35, 140, and 160), wherein at least one shortcut of the plurality of shortcuts comprises a control for managing the object in an application (Se Para 108, 171-173, and 380).
- Wherein the plurality of shortcuts is automatically adjusted based on the application that manages the object, identity of the user and a history of the object operations performed by the user to manage the object (See Para 28, 34, 160, 171-173, 180-183, 378-381)

However, if the limitation of displaying a plurality of shortcuts comprising control for managing the object in an application cannot be reasonably presented as the active word shortcuts of Beauregard then the system of Bodin can be relied upon. Beauregard teaches commands are entered by the user as any context the user desires. Bodin teaches the context entries assigned to shortcuts can also be set by the user (See column 1, lines 35-55). Bodin expressly teaches the shortcuts control an object in an application (See column 7, lines 40-67 and column 8, lines 40-67) and can contain more than one field and displayable definition for a single object.

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Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Beauregard and Bodin in front of them to modify the system of Beauregard to specifically display shortcuts for controlling an object within an application. The motivation to combine Beauregard with Bodin comes from the suggestion in Bodin of allowing the user to enter context from the interface, which is similar to Beauregard and where Bodin teaches the useful feature of allowing a user perform queries against a database to control an application (See column 7, lines 20-40 and figure 4).

With respect to **dependent claim 2**, Beauregard teaches the method wherein the plurality of shortcuts comprises one of: a hyperlink, a button, an icon, a toolbar control, and a menu item (See Para 421-423 and figure 14).

With respect to **dependent claim 3**, Beauregard teaches the method wherein the object comprises one of a data file and a set of related data within a data file (Para 352-361 and column 7, lines 20-40).

With respect to **dependent claim 4**, Beauregard teaches the method further comprising recording object operations that are performed by the user on the object to create the history of object operations (See Para 232-234, 378-381).

With respect to **dependent claim 5**, Beauregard teaches calculating a frequency that each object operation was selected by the user, and determining a particular object operation having the highest frequency (See figure 11). Beauregard shows the count for each object operation selection by the user and presents the most common item with the count at the top

As to **dependent claim 7, 17 and 23**, Beauregard teaches the method, system and medium (See Para 13) wherein the object has one of a plurality of object states and wherein the displayed shortcuts are further based on object state (Figure 11, and Para 386-387).

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With respect to **dependent claim 8**, Beauregard teaches the method wherein the user has a user attribute and wherein the displayed shortcut are further based on a history of object operations selected by a set of users having the user attribute (Para 17, 378-381).

With respect to **dependent claim 9**, Beauregard teaches the method wherein the object has an object attribute and wherein the displayed shortcut is further based on a history of object operations selected for a set of objects having the object attribute (See Figure 11, and Para 378-381).

With respect to **dependent claims 10 and 13**, Beauregard teaches reserving a portion of the interface for displaying the shortcuts, wherein the shortcuts are displayed in the reserved portion. (See Figure 14, toolbar is a reserved portion for showing the shortcuts).

In regard to **Independent claim 11**, Beauregard teaches the method of automatically customizing a user interface the method comprising:

- Identifying a user of the user interface, wherein the identifying prompting the user to provide a user name and password (see Para 35, 142, 175 and 336, password).
Beauregard clearly teaches identifying the user, based on their profile and the profile is used to adjust the interface.
- Displaying an object within the user interface (Figure 14, 16-17). Beauregard expressly teaches displaying an object on the interface, to which is adjusted when the user signs into it.
- Recording object operations that are performed by the user on the object to manage the object in a history of object operations (See Para 378-381)
- Displaying a plurality of shortcuts for the object (See Para 35, 140, and 160), wherein at least one shortcut of the plurality of shortcuts comprises a control for managing the object in an application (Se Para 108, 171-173, and 380).

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- Wherein the plurality of shortcuts is automatically adjusted based on the application that manages the object, identity of the user and a history of the object operations performed by the user to manage the object (See Para 28, 34, 160, 171-173, 180-183, 378-381)

However, if the limitation of displaying a plurality of shortcuts comprising control for managing the object in an application cannot be reasonably presented as the active word shortcuts of Beauregard then the system of Bodin can be relied upon. Beauregard teaches commands are entered by the user as any context the user desires. Bodin teaches the context entries assigned to shortcuts can also be set by the user (See column 1, lines 35-55). Bodin expressly teaches the shortcuts control an object in an application (See column 7, lines 40-67 and column 8, lines 40-67).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of Beauregard and Bodin in front of them to modify the system of Beauregard to specifically display shortcuts for controlling an object within an application. The motivation to combine Beauregard with Bodin comes from the suggestion in Bodin of allowing the user to enter context from the interface, which is similar to Beauregard and where Bodin teaches the useful feature of allowing a user perform queries against a database to control an application (See column 7, lines 20-40 and figure 4).

In regard to **Claims 14-15**, claims 14-15 reflect the system comprising computer readable instructions for performing the steps of method claims 11, 13, respectively, and are rejected along the same rationale.

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With respect to **dependent claim 18**, Beauregard teaches the method wherein the user has a user attribute and wherein the displayed shortcuts are further based on a history of object operations selected by a set of users having the user attribute (Para 17, 378-381)

With respect to **dependent claim 19**, Eruhimov teaches the method wherein the object has an object attribute and wherein the displayed shortcut is further based on a history of object operations selected for a set of objects (Para 17, 378-381)

In regard to **Claims 20-21**, claims 20-21 reflect the program product comprising computer readable instructions for performing the steps of method claims 11, 13, respectively, and are rejected along the same rationale.

With respect to **dependent claim 24**, claim 24 incorporates substantially similar subject matter as claimed in claim 18, and is respectfully rejected along the same rationale.

With respect to **dependent claim 25**, claim 25 incorporates substantially similar subject matter as claimed in claim 19, and is respectfully rejected along the same rationale.

(10) Response to Argument

Beginning on page 7 of Appellant's brief (hereinafter Brief) Appellant argues specific issues, which are accordingly addressed below. Appellant appears to argue the features of representative claim 1 and the examiner will follow Appellants arguments.

Appellant's argument that Beauregard teaches away from displaying a plurality of shortcuts for the object

Appellant argues that Beauregard does not show or suggest, in the cited passages or the balance of the reference of Beauregard, the limitation of claim 1, where "displaying... a plurality of shortcuts for the object... wherein the plurality of

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shortcuts is automatically adjusted based on the application that manages the object” because they interpret the statement by Beauregard that “context independence is essential to the effectiveness of the invention” and therefore the invention works the same way no matter the application, hence the shortcuts are not adjusted. Further, Appellant argues that in order for the argued reference to “context switching from application to application” by the examiner to occur, the user would have to have a pre-set qualifier, which is not automatic (See Brief, page 7 bottom and page 8 middle).

The Examiner respectfully disagrees.

First, MPEP 2135.01 states that “teaching away” arguments are not germane to 102 rejections and are inapplicable to an anticipation analysis. Therefore, Appellants arguments on page 8, middle and page 9, middle do not apply to the 102 section of the rejection. However, since this is a 102/103 the examiner will provide arguments below.

Second, an important distinction needs to be made for the record. Appellant has presented the argument that the “context -free” statement in Para 33 means that the system of Beauregard does not change in context when the user changes from application to application, as the examiner has argued. This point is not contested by the examiner and was not argued. In contrast, as stated in the advisory action mailed 05/28/2009 (middle), the SUI of Beauregard does not change and provides a consistent interface and operation, no matter the application that is running on the desktop. The examiner relied on the SUI of

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Beauregard to teach the "application that manages the object". The underlying applications change depending on the word typed by the user. The SUI remains constant and context free, while the typed action creates a change in the interface. An action word can be typed to open an application. Type a different word to open another and create a context change for the user. In addition, action words (shortcuts) typed into the SUI are objects displayed in the SUI and depending on the application, user profile and context the words mean different things to the system. In summary, it's not the SUI that changes context, it is the action words that are adjusted based on the context. The action words are objects. An object can have various other words assigned to it. As outlined below, depending on the context of a given action word the displayed shortcut will perform a different function automatically because the user can define the operation differently as they manage the object by storing the action word in a profile or multiple profiles.

Third, for reference the final rejection referred to Para 28, 34-35, 108, 140, 142, 160, 171-173, 180-183, 378-381, Figures 14, 16-17 (See page 3 and 4) for demonstrating in a single reference, the limitations of claim 1.

Fourth, the examiner relied on specific examples of how Beauregard works, as expressed in Beauregard. For example, Beauregard **identifies a user of an interface** (See user profile, user recorded actions, user password Para 28, 35, 336). Further, Beauregard teaches **displaying objects on the interface**

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(e.g. monitor bar 315 and objects in figure 16, Figure 17 bar area 1420).

Beauregard teaches "action words" are user defined commands that the user enters, as natural language text, in the monitor bar 315 to control, applications (See Para 31-34). Action words are defined as improved **shortcuts, therefore they are objects** (See Para 21).

Beauregard teaches action commands can be used and defined by the user to activate command functions such as window commands and a single word, symbol or character can be used to open an application (See Para 108-110 and Table 1 for more commands). Therefore, **an action command can be and object used to control the displayed objects** in figures 16 and 17. In addition, Beauregard clearly teaches the user can have multiple profiles with different sets of commands within each (See Para 176-179, 186, 336-338) and can use the multiple profiles simultaneously, and the control center shown in figure 14 allows the user to manage said profiles.

Beauregard further teaches a function of the monitor bar 315 that contains three additional functions that are always present no matter the context (See Para 275). The user can type an action word that operates a script or shortcut to an application or window displayed on the screen. Beauregard expressly states that one of the additional functions is the toggle function, as the user types. The toggle function provides a graphical list to the user for an action word just entered (See Para 278, list of options and charm box). The **list of all options related to the word is a plurality of shortcuts for the object**. Beauregard provides this

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function simply because the user may not recall all the related functions associated with the typed word or there may be more than one command to perform with the typed word (See example Para 285-290). This is also specifically demonstrated in Beauregard's multi-item resolution service, as charm words, action words and related words are multiple items. For example, Beauregard teaches a word may be associated with two or more services (See examples Para 330-333 and Figure 31a-31b), such as the action word "call" demonstrated in figure 31a and 31b. Therefore, the system can present for a given action word, at least one example of **displaying a plurality of shortcuts for an action word and** can simply be presented where the user has created one action word to open two or more different applications. The system would present the user with the list and allow the user to choose which to operate on.

Finally, as established previously action words are improved shortcuts (See Para 21). The improvement is the user defined action associated with natural language phrases, that they can use rather than trying to manage to remember several commands from different applications at the same time (See Para 21-22). The claim does not state **how, when or where the shortcuts are adjusted or what they are adjusted to**, just that the shortcuts are automatically adjusted. In contrast, the Examiner relies on Beauregard's specific automatic adjustment using the SUI control center, as one example. The adjustment is simply, the control center 345 is accessible from the monitor bar 315, mentioned in figure 14, as outlined in the final rejection. The user can access the control

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center and add, delete or modify a given user profile with listed action words (See Para 258-259). In figure 23, the user profile is shown with an alphabetical list of objects shown. The user has the option to make a change to the “DW” column for any of the CALL action word entries by un-checking the checkbox. In the example above, if the user were to type CALL in monitor box 1420, they would get a list box with at least four entries (e.g. <CBH>, <CBC>, <CBF>, <CBO>), as a multi-item resolution list, referred to above and see items in the profile in figure 23 (See example Para 152). After the user removes the checkbox, using the controls center, for at least the <CBH> item, the list would only return three items (See Para 255). Therefore, the system allows the user to change the **plurality of action words or shortcuts** through the control center, which **manages the objects!!!** Continuing with the “Call” action word, in figure 31a, the control center clearly automatically manages the items for the object call, based on the user and the history performed by the user (See Para 255-256 and 338) because the system displays the changes to the user in real time and the history of the action word is kept in the control center (See figure 22).

Appellant’s argument over Beauregard in view of Bodin

Appellant argues that there is no motivation to combine Bodin with Beauregard and argues that Beauregard teaches away from Bodin because they do not interpret Beauregard’s action word system as having the ability to display objects

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in an interface, which is contrast to Bodin's interface presentation system (See Brief page 11).

The examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Appellant has provided no evidence in the Brief as to why Bodin does not teach the feature relied upon by the examiner. The brief does not have a statement containing analysis of Bodin, other than the conclusory remarks made by Appellant that Bodin does not suggest the features of "displaying on a display a plurality of shortcuts for the object". The advisory action also does not contain evidence as to why the combination with Bodin fails to meet the suggested combination. The analysis appears to be directed to Beauregard and not the combination of Bodin and Beauregard.

In contrast, the Examiner relied on both Beauregard and Bodin in the alternative, if the "displaying on a display a plurality of shortcuts for the object" was not shown in the single reference of Beauregard. In the argument above, the examiner shows how the monitor bar in figure 14 allows the user to type in a command and as they type they would be presented with a list of related words to the typed command. The multi-item list is displayed and provides the user with options to select, in the interface. Therefore, Beauregard appears to display

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action words in an interface for an object. Beauregard allows the user to type a command to operate on an application where the word in context performs a function. Bodin teaches a shortcut interface. Each shortcut can have more than one associated field name, depending on the context (See abstract. The context can be where a command can have two meanings (See Figure 4), which is analogous to the action words of Beauregard. Bodin teaches based on the user input of key combinations (See column 4, lines 35-67), the input of the shortcut is recognized. For the shortcut location (see example col. 8, lines 1-30), the user can type "location" and in the context of time, they will receive the information for their appointments. If they type the "location" command in the context of contacts, they will get names and addresses. Bodin teaches that multiple fields can be displayed and are included (See column 8, lines 30-67). Therefore, the system of Bodin states that multiple shortcuts can be displayed for a single object of location, similar to Beauregard. Bodin states the user enters the name of the shortcut on the interface, similar to Beauregard. Therefore, the skilled artisan would at the time of the invention combine the action words Beauregard that can have multiple context based meanings with the shortcuts of Bodin that can have multiple fields based on context. In summary, the combination of Bodin and Beauregard in light of MPEP 2143 appears to be proper.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Steven B Theriault/

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